

praying seizure and condemnation of 36 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Cooperative Producers Association, in part on or about February 10, 1932, from Arco, Idaho, and in part on or about February 29, 1932, from Mackay, Idaho, and had been transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

On March 21, 1932, the Lucerne Cream & Butter Co., Los Angeles, Calif., having filed claims and answers admitting the allegations of the libels, and having executed bonds totaling \$650, conditioned in part that the product be reworked under the supervision of this department, decrees were entered ordering that the product be released to the said claimant for reconditioning. On April 11, 1932, the conditions of the bonds having been complied with, the court ordered that the release be made permanent and the bonds exonerated.

HENRY A. WALLACE, *Secretary of Agriculture.*

19770. Adulteration of butter. U. S. v. 15 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 1330-A. F. & D. No. 28292.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On April 23, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 18, 1932, by the Borden Western Co. (Inc.), from Albany, Oreg., to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

On April 28, 1932, the Fox River Butter Co. (Inc.), Seattle Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be made to conform with the law, and should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19771. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree ordering product released under bond to be cleaned. (F. & D. No. 28300. I. S. No. 54359. S. No. 6107.)

Excessive arsenic and lead spray residue were found on apples taken from the interstate shipment involved in this action.

On April 14, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of the said apples, alleging that the article had been shipped in interstate commerce, on or about March 31, 1932, by the Wenatchee Produce Co. from Wenatchee, Wash., consigned to New York, N. Y., that it remained in possession of the transportation company at Jersey City, N. J., in the original unbroken packages, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Box) "Ex. Fancy Winesap H. Seaton Wenatchee, Wash. Rose Brand Apples Wenatchee Produce Co., Wenatchee."

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, namely, arsenic and lead, which might have rendered it injurious to health.

On April 18, 1932, Hyman & Lieberman-Justman (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the property, judgment was entered by the court ordering that the apples be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that they be cleaned so as to remove the excessive arsenic and lead spray residue. It was further ordered that the product be inspected and all apples not passed by this department as properly cleaned in compliance with the requirements of the Federal food and drugs act, be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19772. Adulteration of apple chops. U. S. v. 140 Bags of Apple Chops. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 27970. I. S. No. 52123. S. No. 6014.)

Samples of apple chops taken from the interstate shipment involved in this action were found to be filthy and decomposed.

On April 4, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 140 bags of apple chops at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 22, 1931, by the A. B. Williams Fruit Co., from Ontario, N. Y., to Chicago, Ill., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid vegetable substance.

On April 11, 1932, no appearance, claim, or answer having been made in the case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19773. Misbranding of canned shrimp. U. S. v. 89 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 27901. I. S. Nos. 47062, 47063. S. No. 5921.)

Sample cans of shrimp taken from the interstate shipment involved in this action were found to contain less than the declared weight.

On March 10, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 89 cases of the said canned shrimp, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 5, 1932, by Dorgan McPhillips Packing Corporation, from Bayou Labatre, Ala., to St. Paul, Minn., and charging misbranding in violation of the food and drugs act as amended. The cans containing a portion of the article were labeled in part: "Alabama Brand Shrimp Wet Pack 5¼ Oz. * * * packed by Dorgan-McPhillips Packing Corporation, Mobile, Alabama." The cans containing the remainder were labeled in part: "Fairway Brand Wet Shrimp Contents 5¼ Oz. Distributed by Twin City Wholesale Grocer Co., St. Paul & Minneapolis, Minn."

It was alleged in the libel that the article was misbranded in that the statement of the weight appearing on the label, "Five and Three Quarters Oz.," was false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the cans, since the quantity so specified on the label was incorrect and false.

On April 24, 1932, an answer and claim of ownership having been filed, and the claimant having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered. The court having found that the product was not injurious and could be relabeled so as not to be in violation of the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of in violation of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*